

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

JAMES BROWN,

Plaintiff,

1:16-CV-00031 EAW

v.

C.O. WOMACK,

Defendant.

JAMES BROWN,

Plaintiff,

1:17-CV-00271 EAW

v.

NEW YORK STATE DEPARTMENT OF
CORRECTIONS AND COMMUNITY
SUPERVISION,

Defendant.

ORDER

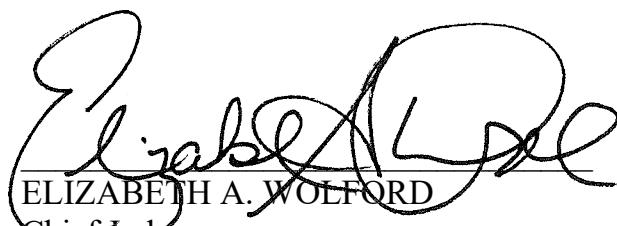
Plaintiff James Brown (“Plaintiff”) commenced the above-captioned actions in this Court in January of 2016 and March of 2017, respectively. As explained in the Court’s Order entered on January 14, 2022 (Dkt. 60 in Civil Action No. 1:16-cv-0031; Dkt. 30 in Civil Action No. 1:17-cv-0271), Plaintiff has ceased responding to defense counsel or complying with the Court’s Orders.

Plaintiff was ordered to appear before the Court in-person at 10:30 a.m. on February 8, 2022. (Dkt. 60 in Civil Action No. 1:16-cv-0031; Dkt. 30 in Civil Action No. 1:17-cv-0271). Plaintiff was warned that if he failed to appear as ordered, “**he may be subject to sanctions, including dismissal of the above-captioned actions without further notice.**” (Dkt. 60 in Civil Action No. 1:16-cv-0031 (emphasis in original); Dkt. 30 in Civil Action No. 1:17-cv-0271 (emphasis in original)). Plaintiff nevertheless did not appear.

Plaintiff’s failure to comply with the Court’s Orders and to prosecute these actions is inexcusable and fully warrants the severe sanction of dismissal. However, defense counsel has advised the Court that a settlement agreement was reached prior to Plaintiff’s cessation of communication and that the defendants are fully prepared to go forward with the settlement if Plaintiff executes the necessary documents.

Accordingly, it is hereby ORDERED that Plaintiff shall have until February 28, 2022, to execute the necessary settlement documents. In the event Plaintiff fails to do so, **the above-captioned actions will be dismissed with prejudice and without further notice.**

SO ORDERED.



ELIZABETH A. WOLFORD
Chief Judge
United States District Court

Dated: February 8, 2022
Rochester, New York